

Planning and Zoning Recommendation

October 22, 2009

DRAFT PROPOSAL (STATE + GREEN)

Proposal: Adopt state mandated buffer requirement which is 30 feet for all land disturbing activity of one acre or more.

With the following considerations:

Asheville's stream and river corridors including adjacent lands are natural, scenic and development resources of regional significance. In keeping with the thought that our stream and river corridors are development resources as well, and at the same time remaining committed to water quality goals, the City of Asheville should incorporate Sustainable Development Practices and Greenway Trails into any stream buffer considerations.

Therefore I would ask that we adopt the state mandate buffer requirement with the following directives to staff that should be included as the proposal moves forward to City Council.

1. SUSTAINABLE DEVELOPMENT PRACTICES

Green buildings improve air and water quality, reduce solid waste, and conserve natural resources. We should promote sustainable developments along our waterways that reduce the impact of the built environment in the City of Asheville.

Sustainable development also incorporates into site plans best management practices regarding stormwater management and low impact development that protect streams and rivers. In some cases, sustainable development provides greater protection to streams and rivers if the property is a former industrial use or a contaminated site that would be cleaned up as a result of the redevelopment process.

Therefore, we should:

- A. Require sustainable building practices on properties of 1 acre or larger* that are proposing new construction or redevelopment projects. The sustainable practices should focus on stormwater best management practices like pervious pavers for hardscape areas, rainwater harvesting cisterns, underground storage for runoff quantity mitigation, greenway trails, and raingardens or constructed wetlands.
- B. Staff should provide a list of approved BMPs to developers and their civil engineers and allow them to choose a minimum of two to meet compliance.
- C. If the developer is proposing the construction of a LEED certified building, this would meet the sustainable development practices requirement in full.

2. GREENWAY TRAILS AND CONTINUOUS STREAM SIDE ACCESS

Greenway trails provide a protection to streams and rivers but also put residents in touch with these natural resources. In doing so, we encourage an investment of private citizens in preserving and protecting our natural environment. Greenways are also gaining importance as pedestrian and biking connectors that will help eliminate automobile use for many residents on a daily basis as they commute between work and home. Finally, greenways provide a place for physical exercise that is increasingly important for all Americans who have health issues or simply want to remain healthy.

Therefore, we should:

- A. Require continuous streamside access on properties of one acre or larger* that are proposing new construction or redevelopment projects in areas where a greenway is identified on the Greenway Master Plan and allow these areas to be counted as part of the Open Space requirements or Sustainable Development Practices for that project.
- B. Incorporate greenways as identified on the Greenway Master Plan so that they are permitted to be constructed as a use by right in all buffers in a manner that adheres to best management practices and to meet other City, State, or Federal requirements.

3. ESTABLISH PROCESS AND PROCEDURE

Staff will establish an application, review and permitting procedure appropriate to these special lands and waters that meets these two goals for Sustainable Development Practices and Greenways.

All of these considerations would be subject to the already established procedures of the 3-step internal appeal process of the Stormwater Ordinance.

Clarifications

**for simplification I am using the phrase "one acre or larger" but for policy purposes the goal is to refer back to the state mandate which is "land disturbing activity of one acre or more"*

All references to properties are specifically regarding properties that will be affected by the stormwater ordinance or buffers by their proximity to intermittent and perennial streams as defined by the ordinance